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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

07/26/2010

EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT PAPER NUMBER

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314

3691

DATE MAILED: 07/26/2010

APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
Ī	09/967,045	10/01/2001	Martin Kraehenbuehl	341717US28	2573

TITLE OF INVENTION: ON-LINE REINSURANCE CAPACITY AUCTION SYSTEM AND METHOD

l	APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
	nonprovisional	NO	\$1510	\$300	\$0	\$1810	10/26/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

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B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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	1940 DUKE STREET			PAPER NUMBER	
ALEXANDRIA, V	/A 22314		3691		
		DATE MAIL ED: 07/26/2010			

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1254 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1254 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

	Application No.	Applicant(s)			
	00/007 045	KDAELIENDLIELII, ET AL			
Notice of Allowability	09/967,045 Examiner	KRAEHENBUEHL ET AL.			
		0004			
	BIJENDRA K. SHRESTHA	3691			
The MAILING DATE of this communication apperature All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in this a or other appropriate communicati GHTS. This application is subjec	application. If not included on will be mailed in due course. THIS			
1. This communication is responsive to <u>03/09/2010</u> .					
2. The allowed claim(s) is/are <u>1-11 and 46-53</u> .					
3. Acknowledgment is made of a claim for foreign priority ur	nder 35 U.S.C. § 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some* c) ☐ None of the:					
 Certified copies of the priority documents have 	been received.				
Certified copies of the priority documents have	been received in Application No.	·			
Copies of the certified copies of the priority do	cuments have been received in th	is national stage application from the			
International Bureau (PCT Rule 17.2(a)).					
* Certified copies not received:					
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.					
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give					
5. CORRECTED DRAWINGS (as "replacement sheets") mus	st be submitted.				
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached					
1) ☐ hereto or 2) ☐ to Paper No./Mail Date					
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of					
Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).					
	_	• •			
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.					
Attachment(s)					
1. Notice of References Cited (PTO-892)	5. Notice of Informa	l Patent Application			
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. ⊠ Interview Summa Paper No./Mail [
3. Information Disclosure Statements (PTO/SB/08),	7. 🛛 Examiner's Amen	dment/Comment			
Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's State	ment of Reasons for Allowance			
of Biological Material	9. ☑ Other <u>Proposed A</u>	<u>Amendment</u> .			
/Hani M. Kazimi/					
Primary Examiner, Art Unit 3691					

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EXAMINER STATEMENT

1. This action is responsive to the amendment filed on 03/09/2010. Of the original claims 1-56, claims 1 and 46 have been amended, new claim 57 has been added and claims 12-45 and 54-56 have been canceled by applicant's amendment. Therefore, claims 1-11, 46-53 and 57 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. The Examiner amendment include cancellation of claim 57 and incorporation of limitation of claim 57 in claim 1 and 46 as authorized by applicant in the telephone interview which is attached herewith. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Applicants' arguments filed on <u>03/09/2010</u>, and examiner's amendment have been fully considered, and discussed in the next section below, are deemed to be persuasive. Therefore, claims 1-11 and 46-53, are deemed to be allowable over the prior art of record.

Authorization for this examiner's amendment was given in a telephone interview with attorney Joseph Wrkich on June 4, 2010. The application has been amended as follows:

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1. (**Currently Amended**): A method for auctioning reinsurance products electronically over a communication network, comprising the steps of:

identifying a reinsurance product based on information stored in a database associated with a system;

determining, by a server, capacity of the reinsurance product to be sold;

offering, by the server, the reinsurance product for sale through an auction;

accepting, by the server, bids from reinsurees for at least a portion of the

capacity, wherein the step of accepting bids includes,

providing, through the communication network, a status for the bids of the reinsurees, the status comprising one of OK, Partial OK, and Excluded, the status OK representing that a bid will be accepted the status Partial OK representing that only a portion of the capacity in a bid will be filled, and the status Excluded representing that a bid will not been accepted, and

ranking, by an auction ranking element engine, the bids of the reinsurees, wherein the ranking of the bids at least considers a calculated profitability value and a time stamp associated with each of the bids an older time stamp resulting in a higher ranking for a given bid and a higher calculated profitability resulting in a higher ranking for a given bid, and where profits for a provider of the reinsurance product are maximized by selecting from pending and newly entered bids, the bids that are most profitable; and

setting, by the server, a reference price for the reinsurance product;

defining, by the server, a ratio of a bid to the reference price that defines a variable index;

using, by the server, the variable index to define profitability, wherein remaining capacity of the reinsurance product is sold when the variable index is below 1;

electronically consummating a contract, using the communication network, for the sale of at least a portion of the reinsurance product to holders of winning bids, and assigning each of the winning bids a status of OK denoting denotes acceptance of a bid, or a status of Partial OK denoting only a portion of requested capacity will be filled; and

ending, by the server, the on-line auction in response to a determination that the capacity is consumed or a predefined date and time is reached, even if all of the capacity has not been sold.

- 2. (Original): The method of claim 1, wherein the reinsurance product is at least one of earthquake reinsurance, windstorm reinsurance and marine catastrophe reinsurance.
- 3. (Original): The method of claim 1, wherein the auction comprises an on-line auction.
- 4. (Original): The method of claim 3, wherein the auction employs the Internet.
- 5. (Original): The method of claim 3, wherein the auction is presented via a browser.
- 6. (Original): The method of claim 1, further comprising accepting bids from at least one of direct insurers and brokers.
- 7. (Original): The method of claim 1, wherein bids comprise at least a bid amount and an indication of the amount of desired capacity.
- 8. (Previously Amended): The method of claim 1, wherein the calculated profitability

value associated with each of the bids is calculated based a return on sales ratio.

- 9. (Previously Amended): The method of claim 8, wherein the return on sales ratio is a selling price minus a fair risk price divided by the selling price or the selling price divided by the fair risk price.
- 10. (Original): The method of claim 8, further comprising changing a status of at least one bid.
- 11. (Original): The method of claim 10, wherein the status is one of OK, Partial OK and Excluded.
- 12-45 (Canceled).
- 46. (**Currently Amended**): An online system for auctioning a reinsurance product electronically over a communication network, comprising:

a fair risk price calculator;

an auction and auction participant database;

an auction ranking element engine; and

a web server in communication with the Internet, wherein the fair risk price calculator provides information for calculating a minimum bid, the database stores information related to at least one auction for at least one reinsurance product, and the auction ranking element engine is operable to rank bids submitted to the database via the web server from reinsurees, wherein the ranking of the bids of the reinsurees at least considers a calculated profitability value and a time stamp associated with each of the bids an older time stamp resulting in a higher ranking for a given bid and a higher calculated profitability resulting in a higher ranking for a given bid, and where profits for

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a provider of the reinsurance product are maximized by selecting from pending and newly entered bids, the bids that are most profitable,

wherein the web server sets a reference price for the reinsurance product,

defines a ratio of a bid to the reference price that defines a variable index, and

uses the variable index to define profitability, wherein remaining capacity of the

reinsurance product is sold when the variable index is below 1; and

wherein the auction ranking element engine provides a status of a bid, and wherein a status of OK denotes acceptance of a bid, a status of Partial OK denotes only a portion of requested capacity will be filed, and a status of Excluded denotes that a bid has not been accepted, and

the web server ends the on-line auction in response to a determination that the capacity is consumed or a predefined date and time is reached, even if all of the capacity has not been sold.

- 47. (Original): The system of claim 46, wherein the reinsurance product is at least on of earthquake reinsurance, windstorm reinsurance and marine catastrophe reinsurance.
- 48. (Previously Amended): The system of claim 46, wherein the calculated profitability value associated with each of the bids is calculated based a return on sales ratio.
- 49. (Original): The system of claim 46, wherein direct insurers submit bids to the web server.
- 50. (Original): The system of claim 46, wherein a submitted bid comprises a bid amount and a desired coverage amount.
- 51. (Original): The system of claim 50, wherein the auction ranking element engine

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determines whether the sufficient capacity remains to satisfy the desired coverage amount.

- 52. (Original): The system of claim 46, wherein the system is operated by or on behalf of a reinsurance company.
- 53. (Original): The system of claim 46, wherein the direct insurers participate as bidders for the reinsurance product.

54-56 (Canceled).

57. (Canceled). (New): The method of claim 1, further comprising:

setting a reference price for the reinsurance product; and defining a ratio of a bid to the reference price that defines a variable index; and

using the variable index to define profitability, wherein remaining capacity of the reinsurance product is sold when the variable index is below 1.

Reasons for Allowance

3. With regards to claim 1, the prior art of records, alone or combined, does neither anticipate nor render obvious, inter alia, as a whole, the uniquely patentable feature of: "setting, by a server, a reference price for the reinsurance product; defining, by the server, a ratio of a bid to the reference price that defines a variable index; and using, by the server, the variable index to define profitability, wherein remaining capacity of the reinsurance product is sold when the variable index is below 1" in a method for auctioning reinsurance products electronically over a communication network.

The reasons for allowance for all the other independent claims and dependent claims are the same as set forth for claim 1 above because they all include same/similar limitation indicated above for the reasons for allowance.

Discussion of Cited Prior Art

4. The applicant's remarks filed in response dated March 9, 2010, see pages 7-10 are persuasive and compelling that the cited prior art of Erlanger et al. U.S. Patent No. 6,594,635, Wu, U.S. Patent No. 7,200,570, Kinney, Jr. et al., U.S. Patent No. 6,871,191 and Klaus, U.S. Patent No. 7,080,020 alone or combined, does neither disclose or renders obvious the unique features as listed above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571) 270-1374. The examiner can normally be reached on 8:00 AM-4:30 PM (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bijendra K. Shrestha/ Examiner, Art Unit 3691 06/04//2010

/Hani M. Kazimi/ Primary Examiner, Art Unit 3691